

ASSEMBLY BILL

No. 1025

Introduced by Assembly Member Walters

February 22, 2005

An act to amend Sections 22348 and 40000.13 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1025, as introduced, Walters. Driving in excess of 100 mph.

(1) Existing law makes it an infraction to drive upon a highway at a speed greater than 100 miles per hour.

This bill would make the above offense a misdemeanor, rather than an infraction.

Because this bill would increase the level of services required of local law enforcement, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22348 of the Vehicle Code is amended
2 to read:

1 22348. (a) Notwithstanding subdivision (b) of Section 22351,
2 a person shall not drive a vehicle upon a highway with a speed
3 limit established pursuant to Section 22349 or 22356 at a speed
4 greater than that speed limit.

5 (b) A person who drives a vehicle upon a highway at a speed
6 greater than 100 miles per hour is guilty of ~~an infraction a~~
7 ~~misdemeanor, punishable, as follows by imprisonment in the~~
8 ~~county jail and by the following fines and driver's license~~
9 ~~sanctions:~~

10 (1) Upon a first conviction of a violation of this subdivision,
11 by a fine of not to exceed five hundred dollars (\$500). The court
12 may also suspend the privilege of the person to operate a motor
13 vehicle for a period not to exceed 30 days pursuant to Section
14 13200.5.

15 (2) Upon a conviction under this subdivision of an offense that
16 occurred within three years of a prior offense resulting in a
17 conviction of an offense under this subdivision, by a fine of not
18 to exceed seven hundred fifty dollars (\$750). The person's
19 privilege to operate a motor vehicle shall be suspended by the
20 Department of Motor Vehicles pursuant to subdivision (a) of
21 Section 13355.

22 (3) Upon a conviction under this subdivision of an offense that
23 occurred within five years of two or more prior offenses resulting
24 in convictions of offenses under this subdivision, by a fine of not
25 to exceed one thousand dollars (\$1,000). The person's privilege
26 to operate a motor vehicle shall be suspended by the Department
27 of Motor Vehicles pursuant to subdivision (b) of Section 13355.

28 (c) A vehicle subject to Section 22406 shall be driven in a lane
29 designated pursuant to Section 21655, or if a lane has not been so
30 designated, in the right-hand lane for traffic or as close as
31 practicable to the right-hand edge or curb. When overtaking and
32 passing another vehicle proceeding in the same direction, the
33 driver shall use either the designated lane, the lane to the
34 immediate left of the right-hand lane, or the right-hand lane for
35 traffic as permitted under this code. If, however, specific lane or
36 lanes have not been designated on a divided highway having four
37 or more clearly marked lanes for traffic in one direction, a
38 vehicle may also be driven in the lane to the immediate left of the
39 right-hand lane, unless otherwise prohibited under this code. This
40 subdivision does not apply to a driver who is preparing for a left-

1 or right-hand turn or who is in the process of entering into or
2 exiting from a highway or to a driver who is required necessarily
3 to drive in a lane other than the right-hand lane to continue on his
4 or her intended route.

5 SEC. 2. Section 40000.13 of the Vehicle Code, as amended
6 by Section 4 of Chapter 330 of the Statutes of 1999, is amended
7 to read:

8 40000.13. A violation of any of the following provisions is a
9 misdemeanor, and not an infraction:

- 10 (a) Section 16560, relating to interstate highway carriers.
11 (b) Sections 20002 and 20003, relating to duties at accidents.
12 (c) Section 21200.5, relating to riding a bicycle while under
13 the influence of an alcoholic beverage or any drug.
14 (d) Section 21651, subdivision (b), relating to wrong-way
15 driving on divided highways.
16 (e) Section 21655.9, subdivision (c), relating to illegal use of
17 decals, labels, or other identifiers.
18 (f) *Section 22358, subdivision (b), relating to driving in excess*
19 *of 100 miles per hour.*
20 (g) Section 22520.5, a second or subsequent conviction of an
21 offense relating to vending on or near freeways.
22 ~~(g)~~
23 (h) Section 22520.6, a second or subsequent conviction of an
24 offense relating to roadside rest areas and vista points.
25 ~~(h)~~
26 (i) This section shall remain in effect only until January 1,
27 2008, and as of that date is repealed, unless a later enacted
28 statute, that is enacted before January 1, 2008, deletes or extends
29 that date.

30 SEC. 3. Section 40000.13 of the Vehicle Code, as added by
31 Section 5 of Chapter 330 of the Statutes of 1999, is amended to
32 read:

33 40000.13. A violation of any of the following provisions is a
34 misdemeanor, and not an infraction:

- 35 (a) Section 16560, relating to interstate highway carriers.
36 (b) Sections 20002 and 20003, relating to duties at accidents.
37 (c) Section 21200.5, relating to riding a bicycle while under
38 the influence of an alcoholic beverage or any drug.
39 (d) Section 21651, subdivision (b), relating to wrong-way
40 driving on divided highways.

1 (e) *Section 22358, subdivision (b), relating to driving in excess*
2 *of 100 miles per hour.*

3 (f) Section 22520.5, a second or subsequent conviction of an
4 offense relating to vending on or near freeways.

5 ~~(f)~~—

6 (g) Section 22520.6, a second or subsequent conviction of an
7 offense relating to roadside rest areas and vista points.

8 ~~(g)~~—

9 (h) This section shall become operative on January 1, 2008.

10 SEC. 4. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the
15 penalty for a crime or infraction, within the meaning of Section
16 17556 of the Government Code, or changes the definition of a
17 crime within the meaning of Section 6 of Article XIII B of the
18 California Constitution.